

SHER TREMONTE LLP

December 21, 2016

BY FACSIMILE AND ECF

The Honorable John G. Koeltl
United States District Judge
United States District Court for the Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *United States v. David Schwartz, et al.*, 15 Cr. 835 (JGK)

Dear Judge Koeltl:

We write on behalf of our client, David Schwartz, with the consent of counsel for Mr. Schwartz's co-defendant Robert Rimberg, to respectfully request an adjournment of the trial in the above-referenced matter, which is currently scheduled for February 6, 2017, for thirty days or until such time as is convenient for the Court.

As Your Honor is aware, the government charged Mr. Schwartz on November 28, 2016 in a superseding indictment, which contains additional charges, including participating in an illegal money transfer conspiracy, in violation of 18 U.S.C. §§ 371 and 1960. We also recently received additional discovery, including numerous bank records and additional transcripts of consensually recorded conversations. We previously informed the Court that undersigned counsel will be on trial in January in Westchester County Court, and that trial was the basis for the Court's previous adjournment to February 6. In light of the superseding indictment and the new discovery, however, additional time is required to prepare to defend against this new charge, which will include re-reviewing the more than 1 million email files previously disclosed by the government. Because counsel has already put significant time into reviewing the discovery, we do not anticipate that a lengthy adjournment will be needed; however, some additional time will permit us to effectively defend Mr. Schwartz at the anticipated trial.

We have spoken to the government about this request and the government has informed us that it opposes our request for a thirty-day adjournment.

Respectfully submitted,

/s/ _____
Michael Tremonte

cc: All counsel of record (by ECF)